

EXHIBIT 1

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

----- X
UNITED STATES OF AMERICA : 08-CR-00076 (JBW)
-against- : U.S. Courthouse
: Brooklyn, New York
FRANK CALI
Defendant :
August 7, 2008
----- X 10:30 a.m.

BEFORE:

HONORABLE JACK B. WEINSTEIN
United States District Judge

APPEARANCES:

For the Government: BENTON J. CAMPBELL, ESQUIRE
United States Attorney
271 Cadman Plaza East
Brooklyn, New York 11201
BY: JOEY LIPTON
EVAN NORRIS
Assistant U.S. Attorneys

For the Defendant: HARLAN J. PROTASS
305 Madison Avenue
Suite 1301
New York, New York 10165

Court Reporter: RONALD E. TOLKIN, RMR
Official Court Reporter
225 Cadman Plaza East
Brooklyn, New York 11201

Minutes Taken Stenographically. Transcript Produced
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U.S.A. v. FRANK CALI

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1 the conspiracy is a conspiracy. There are two different
2 matters.

3 So to that extent it isn't double counting. It is
4 a conspiracy to use a threat, and then it is the use of the
5 threats under the guidelines. So it is an interesting
6 problem. It is kind of obtuse, and you may want to take an
7 appeal.

8 But I am not going to give you less than two points
9 under Paragraph 143. If you can, I can change the sentence
10 that I was going to make, but I am not inclined to do so in
11 this case as I was in the other cases.

12 What else?

13 MR. PROTASS: Well, there is the one-point
14 enhancement that is in the presentence report for the amount
15 of money at issue here, Your Honor, and --

16 THE COURT: Well, that, I don't see. What's --
17 where is the loss?

18 MR. LIPTON: There is the loss of \$13,000 that was
19 paid pursuant to this conspiracy so that --

20 THE COURT: Paid to whom?

21 MR. LIPTON: This was paid to individuals, Leonard
22 DiMaria, Ernest Grillo, and Nicholas Corozzo, based on the --
23 once the cooperating witness, John Doe Number 4, got the
24 rights to dump at the site.

25 THE COURT: This is the NASCAR?